

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

“(24) The term ‘young offender’ means an individual, convicted of a crime, less than 18 years of age—

“(A) who has not been convicted of—

“(i) a crime of sexual assault; or

“(ii) a crime involving the use of a firearm in the commission of the crime; and

“(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.”.

Page 10, after line 3, insert the following:

**SEC. 3. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL PRISONS.**

(a) **PLAN CREATED BY ATTORNEY GENERAL.**—The Attorney General shall—

(1) establish a Regional Prison Task Force comprised of—

(A) the Director of the Federal Bureau of Prisons; and

(B) a senior correctional officer of each State wishing to participate, who is designated for this purpose by the Governor of the State; and

(2) create a plan, in consultation with the Regional Prison Task Force for the establishment of a nationwide regional prison system, and report that plan to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate not later than 180 days after the date of the enactment of this Act.

(b) **SCOPE OF PLAN.**—The plan shall—

(1) define the boundaries and number of regions in which regional prisons will be placed;

(2) establish the terms of the partnership agreements that States must enter into with the Attorney General in order to participate in the regional prison system;

(3) set forth the extent of the role of the Federal Bureau of Prisons in administering the prisons;

(4) determine the way 2 or more States in a region will share responsibility for the activities associated with the regional prisons; and

(5) specify both the Federal responsibility and the State responsibility (which shall not be less than 50 percent) for construction costs and operating costs of the regional prisons.

(c) **STATE ELIGIBILITY.**—No State may send any prisoner to be held at a regional prison established under this section unless such State, as determined by the Attorney General—

(1) enters into a partnership agreement under this section and abides substantially by its terms;

(2) establishes minimum mandatory sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault;

(3) establishes a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced—

(A) after the date the State enters into the partnership agreement, with respect to crimes of violence involving the use of a firearm or a crime of violence involving a sexual assault; and

(B) after a date set by the State which is not later than 2 years after that State enters into such agreement, with respect to all other crimes of violence and serious drug trafficking offenses;

(4) provides pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(5) takes steps to eliminate court imposed limitations on its prison capacity resulting from consent decrees or statutory provisions; and

(6) provides adequate assurances that—

(A) such State will not use the regional prison system to supplant any part of its own system; and

(B) funds provided by the State for the construction of regional prisons under this section will be in addition to what would otherwise have been made available for the construction and operation of prisons by the State.

(d) **PRISONER ELIGIBILITY.**—A State which is eligible under this section may send prisoners convicted of State crimes to serve their prison sentence in the regional prison established under this section if—

(1) the prisoner has been convicted of not less than 2 crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or

(2) the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

(e) **DEFINITIONS.**—As used in this section—

(1) the term “crime of violence” is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) a crime of violence as defined in section 16 of title 18, United States Code;

(2) the term “serious drug trafficking offense” is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) defined in section 924(e)(2)(A) of title 18, United States Code;

(3) the term “serious felony” means a felony punishable by imprisonment for a term exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

(C) involves conduct in violation of section 401 of the Controlled Substances Act that consists of illegal distribution of a controlled substance;

(4) the term “crime of violence involving a sexual assault” is a crime of violence that is an offense as defined in chapter 109A of title 18, United States Code; and

(5) the term “State” includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(f) **REGIONAL PRISON FUND.**—There is established in the Treasury the Regional Prison Fund. The Regional Prison Fund shall consist of—

(1) sums appropriated to it by Act of Congress;

(2) notwithstanding section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or any other provision of law, the total of criminal fines deposited in the Crime Victims Fund during each fiscal year (beginning after the date of the enactment of this Act) that exceeds \$150,000,000;

(3) notwithstanding any other provision of law, any portion of the Department of Justice Asset Forfeiture Fund that the Attorney General determines is remaining after distributions of—

(A) funds to be shared with State and local law enforcement;

(B) funds to pay warehouse and appraisal fees and innocent lien holders; and

(C) funds for Federal law enforcement.

(g) **TRANSFERS.**—The Secretary of the Treasury shall from time to time make appropriate transfers between funds to implement subsection (f).

(h) **USE OF REGIONAL PRISON FUND.**—The Attorney General may use any sums in the Regional Prison Fund to carry out this section.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Regional Prison Fund—

(1) \$1,000,000,000 for each of fiscal years 1994 through 1996; and

(2) such sums as may be necessary thereafter through fiscal year 2004.

**SEC. 4. OVERHEAD EXPENSE REDUCTION.**

(a) **CBO SCORING.**—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of \$6,000,000,000 over 5 years (\$1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) **REDUCTION.**—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

Pending consideration of said motion to recommit with instructions,

¶137.17 POINT OF ORDER

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

“Mr. Speaker, I make the point of order that the motion to recommit is not germane.”.

Mr. MCCOLLUM was recognized to speak to the point of order and said:

“Mr. Speaker, the motion to recommit that I have offered would require that the Committee on the Judiciary take this bill back and report back to us an amendment to the bill, an addition to the bill, which would encompass a regional prison system being a partnership with the States whereby the Federal Government would pay 50 percent of the cost of building these regional prisons and the States would pay 50 percent to house violent criminals and sexual abusers who qualify in those States where the States have adopted truth in sentencing by requiring that all of those who are convicted who are eligible for these prisons serve at least 85 percent of their sentences, and it would require that they adopt minimum mandatory sentences for those individuals that would be sent to these regional prisons.

“This amendment, this provision that would be adopted by my motion to recommit, Mr. Speaker, is the only way we are going to get at the real problem here that is facing the country today of the revolving door, and it is germane to this bill today because this bill addresses crime and youthful offenders, and the only way to effectively stop youthful offenders who commit violent crimes, and that is the crisis today most Americans see, is by building the prison that we need in America, going into a cost-sharing partnership with the States and taking these violent youthful offenders off the streets, locking them up, and throwing away the keys. We are not doing that today, Mr. Speaker.

"If this is ruled out of order, which would be the second one today which we have tried to put out here, we will not be effectively dealing with the violent crime problem facing this Nation in this session of Congress. The American public demands that we have that opportunity, and that is why I am offering this motion to recommit today in the hopes that this body, with my colleagues' blessing, today will address the really critical problem of the revolving door of violent criminals and especially the violent crime among the youth today. We need the prisons. That is all this does is establish that which we have not brought out here.

"Let me point out to my colleagues in closing that in 6 months from now, by the statistics we have, because it is violent crimes that are being committed in this country at a rate of 160,000 a month, if it takes 6 months to get this out here, this kind of a bill, if we do not do it tonight, we do not address the crime problem tonight with the bill I propose here, there will be over 966,000 more violent crimes a committed in that 6-month period.

"It is shameful that we do not address it, Mr. Speaker. That is why I am offering it. That is what it is. I believe it is very germane to this crime bill today, because this crime bill, as it is tonight, really only addresses a very minor part of the problem."

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

"The point of order of the gentleman from Texas [Mr. BROOKS] has been heard. For the reasons stated on the prior point of order, the Chair rules that this point of order is well-taken, and that the motion is not germane. A program to establish a regional prison system to be used by States that establish certain standards for incarceration of prisoners generally goes beyond the subject of alternative punishments for youthful offenders."

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 251  
affirmative ..... { Nays ..... 171

¶137.18

[Roll No. 587]

AYES—251

Abercrombie	Applegate	Barlow
Ackerman	Bacchus (FL)	Barrett (WI)
Andrews (ME)	Baesler	Becerra
Andrews (NJ)	Barca	Beilenson
Andrews (TX)	Barcia	Berman

Bevill	Hilliard	Payne (NJ)
Bilbray	Hinchey	Payne (VA)
Bishop	Hoagland	Pelosi
Blackwell	Hochbrueckner	Penny
Bonior	Holden	Peterson (FL)
Borski	Hoyer	Peterson (MN)
Boucher	Hughes	Pickett
Brewster	Hutto	Pickle
Brooks	Inslie	Pomeroy
Browder	Jacobs	Poshard
Brown (CA)	Jefferson	Price (NC)
Brown (FL)	Johnson (GA)	Rahall
Brown (OH)	Johnson (SD)	Rangel
Bryant	Johnson, E.B.	Reed
Byrne	Johnston	Reynolds
Cardin	Kanjorski	Richardson
Carr	Kaptur	Roemer
Chapman	Kennedy	Rose
Clay	Kennelly	Rostenkowski
Clayton	Kildee	Rowland
Clement	Klecza	Roybal-Allard
Clyburn	Klein	Rush
Coleman	Klink	Sabo
Collins (IL)	Kopetski	Sanders
Collins (MI)	Kreidler	Sangmeister
Condit	LaFalce	Sarpalius
Conyers	Lambert	Sawyer
Coppersmith	Lancaster	Schenk
Costello	Lantos	Schroeder
Coyne	LaRocco	Schumer
Cramer	Laughlin	Scott
Danner	Lehman	Serrano
Darden	Levin	Sharp
de la Garza	Lewis (GA)	Shepherd
Deal	Lipinski	Sisisky
DeFazio	Lloyd	Skaggs
DeLauro	Long	Skelton
Dellums	Lowey	Slaughter
Derrick	Maloney	Smith (IA)
Deutsch	Mann	Spratt
Dingell	Manton	Stark
Dixon	Margolies-	Stenholm
Dooley	Mezvinsky	Stokes
Durbin	Markley	Strickland
Edwards (CA)	Martinez	Studds
Edwards (TX)	Matsui	Stupak
Engel	Mazzoli	Swett
English (AZ)	McCloskey	Swift
English (OK)	McCurdy	Synar
Eshoo	McHale	Tanner
Evans	McKinney	Tauzin
Farr	McNulty	Taylor (MS)
Fazio	Meehan	Tejeda
Fields (LA)	Meek	Thompson
Filner	Menendez	Thornton
Fingerhut	Mfume	Thurman
Flake	Miller (CA)	Torres
Foglietta	Mineta	Torricelli
Ford (MI)	Minge	Towns
Ford (TN)	Mink	Trafficant
Frank (MA)	Moakley	Tucker
Frost	Mollohan	Unsoeld
Furse	Montgomery	Valentine
Gejdenson	Moran	Velázquez
Gephardt	Murphy	Vento
Geren	Murtha	Visclosky
Gibbons	Nadler	Volkmer
Glickman	Natcher	Waters
Gonzalez	Neal (MA)	Watt
Gordon	Neal (NC)	Waxman
Green	Oberstar	Wheat
Gutierrez	Obey	Whitten
Hall (TX)	Oliver	Williams
Hamburg	Ortiz	Wilson
Hamilton	Orton	Wise
Harman	Owens	Woolsey
Hastings	Pallone	Wyden
Hayes	Parker	Wynn
Hefner	Pastor	Yates

NOES—171

Allard	Bunning	Doolittle
Archer	Burton	Dornan
Armey	Buyer	Dreier
Bachus (AL)	Callahan	Duncan
Baker (CA)	Calvert	Dunn
Baker (LA)	Camp	Emerson
Ballenger	Canady	Everett
Barrett (NE)	Castle	Ewing
Bartlett	Coble	Fawell
Barton	Collins (GA)	Fields (TX)
Bateman	Combest	Fish
Bentley	Cooper	Fowler
Bereuter	Cox	Franks (CT)
Bilirakis	Crane	Franks (NJ)
Biley	Crapo	Galleghy
Blue	Cunningham	Gallo
Boehlert	DeLay	Gekas
Boehner	Diaz-Balart	Gilchrist
Bonilla	Dickey	Gillmor

Gilman	Lewis (FL)	Rogers
Goodlatte	Lightfoot	Rohrabacher
Goodling	Linder	Ros-Lehtinen
Goss	Livingston	Roth
Grams	Machtley	Roukema
Grandy	Manzullo	Royce
Greenwood	McCandless	Santorum
Gunderson	McCollum	Saxton
Hancock	McCrery	Schaefer
Hansen	McDade	Schiff
Hastert	McHugh	Sensenbrenner
Hefley	McInnis	Shaw
Herger	McKeon	Shays
Hobson	McMillan	Shuster
Hoekstra	Meyers	Skeen
Hoke	Mica	Smith (MI)
Horn	Michel	Smith (NJ)
Houghton	Miller (FL)	Smith (OR)
Huffington	Molinar	Smith (TX)
Hunter	Moorhead	Snowe
Hutchinson	Morella	Solomon
Hyde	Myers	Spence
Inglis	Nussle	Stump
Inhofe	Oxley	Sundquist
Istook	Packard	Talent
Johnson (CT)	Paxon	Taylor (NC)
Johnson, Sam	Petri	Thomas (CA)
Kasich	Pombo	Thomas (WY)
Kim	Porter	Torkildsen
King	Portman	Upton
Kingston	Pryce (OH)	Vucanovich
Klug	Quillen	Walker
Kolbe	Quinn	Walsh
Kyl	Ramstad	Wolf
Lazio	Ravenel	Young (AK)
Leach	Regula	Young (FL)
Levy	Ridge	Zeliff
Lewis (CA)	Roberts	Zimmer

NOT VOTING—11

Cantwell	Hall (OH)	Stearns
Clinger	Knollenberg	Washington
Dicks	McDermott	Weldon
Gingrich	Slattery	

So the motion to lay the appeal on the table was agreed to.

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

"(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment."

Page 10, after line 3, insert the following:

### SEC. 3. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—(1) The President should establish a National Task Force on Counterterrorism comprised of the following nine members: the Deputy Attorney General of the United States, the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the National Security Advisory or the Deputy National Security Advisory for Special Operations Low Intensity Conflict, the Assistant Secretary of the Treasury for Enforcement, the Director of the Federal Bureau of Investigation, the Vice Chairman of the Joint Chiefs of Staff, and an Assistant Secretary of Transportation appointed by the Secretary of Transportation.

(2) The Deputy Attorney General and the Deputy Director of Central Intelligence shall serve as the Co-Chairs of the Task Force which shall coordinate all counterterrorism activities of the intelligence community of the United States Government.